

**BUSINESS REPORT**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**SENATE JUDICIARY COMMITTEE**

**Date:** Friday, February 20, 2009  
**Place:** Capitol

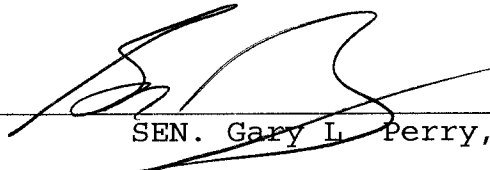
**Time:** 6:30 pm  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

**EXECUTIVE ACTION TAKEN:**


SB 42-Tabled, SJ 29-Do Pass, SB 333-Do Pass, SB 379-Do Pass, SB 381-Do Pass, SB 447-Do Pass, SB 464-Do Pass, SB 476-Do Pass, SB 327-Do Pass As Amended, SB 374-Do Pass As Amended, SB 382-Do Pass As Amended, SB 442-Do Pass As Amended, SB 468-Do Pass As Amended

**COMMENTS:**

  
\_\_\_\_\_  
SEN. Gary L. Perry, Chairman

**MONTANA STATE SENATE**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 2/20/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR GARY PERRY, CHAIRMAN	/	
SENATOR JIM SHOCKLEY, VICE CHAIRMAN	/	
SENATOR AUBYN CURTISS	/	
SENATOR JOHN ESP	/	
SENATOR GREG HINKLE	/	
SENATOR LARRY JENT		/
SENATOR CAROL JUNEAU	/	
SENATOR CLIFF LARSEN	/	
SENATOR JESSE LASLOVICH	/	
SENATOR DANIEL MCGEE	/	
SENATOR LYNDY MOSS	/	
SENATOR TERRY MURPHY	/	



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 3

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 327** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

**And, that such amendments read:**

1. Title, line 4.

**Following:** "AN ACT"

**Strike:** "ADOPTING THE PROTECTION FOR MOTHERS-TO-BE ACT;"

2. Title, line 5 through line 6.

**Following:** "CHILD;" on line 5

**Strike:** remainder of line 5 through "PENALTIES;" on line 6

3. Title, line 6.

**Following:** "AMENDING"

**Strike:** "SECTION 41-1-103,"

**Insert:** "SECTIONS 45-5-102, 45-5-103, 45-5-201, AND 45-5-202,"

4. Page 1, line 10 through line 11.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 1, line 13.

**Strike:** "8"

**Insert:** "6"

6. Page 1, line 16 through page 2, line 27.

**Strike:** section 3 through section 6 in their entirety

**Insert:** "Section 2. Section 45-5-102, MCA, is amended to read:

"45-5-102. **Deliberate homicide.** (1) A person commits the offense of deliberate homicide if:

**Committee Vote:**

Yes 7, No 5

Fiscal Note Required \_\_\_\_

SB0327001SC.sdr

OK

(a) the person purposely or knowingly causes the death of another human being person or an unborn child; or

(b) the person attempts to commit, commits, or is legally accountable for the attempt or commission of robbery, sexual intercourse without consent, arson, burglary, kidnapping, aggravated kidnapping, felonious escape, assault with a weapon, aggravated assault, or any other forcible felony and in the course of the forcible felony or flight thereafter, the person or any person legally accountable for the crime causes the death of another human being person or an unborn child.

(2) A person convicted of the offense of deliberate homicide shall be punished by death as provided in 46-18-301 through 46-18-310, unless the person is less than 18 years of age at the time of the commission of the offense, by life imprisonment, or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years, except as provided in 46-18-219 and 46-18-222."

**Insert: "Section 3.** Section 45-5-103, MCA, is amended to read:

**"45-5-103. Mitigated deliberate homicide.** (1) A person commits the offense of mitigated deliberate homicide when the person purposely or knowingly causes the death of another human being person or an unborn child but does so under the influence of extreme mental or emotional stress for which there is reasonable explanation or excuse. The reasonableness of the explanation or excuse must be determined from the viewpoint of a reasonable person in the actor's situation.

(2) Mitigated deliberate homicide is a lesser included offense of deliberate homicide as defined in 45-5-102(1)(a), but is not a lesser included offense of deliberate homicide as defined in 45-5-102(1)(b).

(3) Mitigating circumstances that reduce deliberate homicide to mitigated deliberate homicide are not an element of the reduced crime that the state is required to prove or an affirmative defense that the defendant is required to prove. Neither party has the burden of proof as to mitigating circumstances, but either party may present evidence of mitigation.

(4) A person convicted of mitigated deliberate homicide shall be imprisoned in the state prison for a term of not less than 2 years or more than 40 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222."

**Insert: "Section 4.** Section 45-5-201, MCA, is amended to read:

**"45-5-201. Assault.** (1) A person commits the offense of assault if the person:

(a) purposely or knowingly causes bodily injury to another person or an unborn child;

(b) negligently causes bodily injury to another person or an unborn child with a weapon;

(c) purposely or knowingly makes physical contact of an insulting or provoking nature with any individual another person or an unborn child; or

(d) purposely or knowingly causes reasonable apprehension of bodily injury in another person or an unborn child.

(2) A person convicted of assault shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.""

**Insert:** "Section 5. Section 45-5-202, MCA, is amended to read:

"45-5-202. **Aggravated assault.** (1) A person commits the offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another person or an unborn child or purposely or knowingly, with the use of physical force or contact, causes reasonable apprehension of serious bodily injury or death in another person or an unborn child.

(2) A person convicted of aggravated assault shall be imprisoned in the state prison for a term not to exceed 20 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.""

**Renumber:** subsequent sections

7. Page 3, line 12 through line 15.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

8. Page 3, line 21.

**Strike:** "[Sections 1 through 8] are"

**Insert:** "[Section 1] is"

9. Page 3, line 22 through line 23.

**Following:** "to" on line 22

**Strike:** remainder of line 22 through "8]" on line 23

**Insert:** "[section 1]"

- END -



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 333** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required ☐

SB0333001SC.sdr

DR



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 374** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

**And, that such amendments read:**

1. Page 2, line 4.

**Following:** "finds"

**Strike:** ", by clear and convincing evidence, "

2. Page 2, line 6.

**Following:** "custodian"

**Insert:** "and that an abortion is in the best interests of the petitioner"

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required ☐

SB0374001SC.sdr

*MR*



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 379** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required ☐

SB0379001SC.sdr

*SR*





## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 381** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Senator Gary L. Petty, Chair*

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required ☐

SB0381001SC.sdr

*JP*



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 382** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

**And, that such amendments read:**

1. Title, lines 5 and 6.

**Strike:** "AND SCHOOL DISTRICTS"

2. Title, lines 8 and 9.

**Following:** "7-1-4123,"

**Insert:** "AND"

**Strike:** "20-3-324, AND 20-15-403,"

3. Page 5, line 6 through page 8, line 19.

**Strike:** sections 7 through 9 in their entirety

**Renumber:** subsequent section

4. Page 8, lines 25 and 26.

**Strike:** subsection (3) in its entirety

- END -

**Committee Vote:**

**Yes 7, No 5**

Fiscal Note Required \_\_\_\_

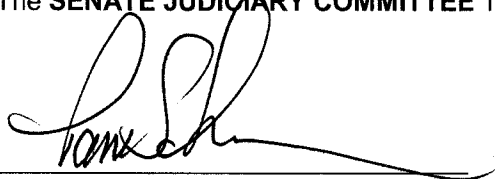
SB0382001SC.sdr

DR

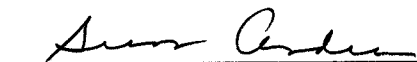
## COMMITTEE FILE COPY

### TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 428**, by motion, on **Friday, February 20, 2009**.



(For the Committee)



(Secretary of the Senate)

7:15 | 2/21  
(Time) (Date)

February 20, 2009

Pamela E. Schindler, Secretary

Phone: 444-4891

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## SENATE STANDING COMMITTEE REPORT

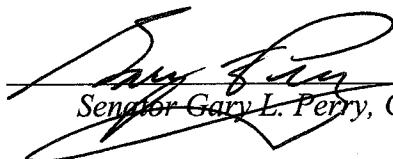
February 21, 2009

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 442** (first reading copy -- white) do pass as amended.

Signed:

  
Senator Gary L. Perry, Chair

**And, that such amendments read:**

1. Title, line 6 through line 7.

**Following:** "MATERIALS;" on line 6

**Strike:** remainder of line 6 through "SYNDROME;" on line 7

2. Page 1, line 16.

**Following:** "syndrome;"

**Insert:** "and"

3. Page 1, line 17.

**Strike:** "(c)"

**Insert:** "(b)"

**Following:** "format" on line 17

**Strike:** remainder of line 17 through "[section 3]" on line 19

4. Page 1, line 21 through page 2, line 2.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

5. Page 2, line 30 through page 3, line 8.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

6. Page 3, line 10.

**Following:** "instruction."

**Strike:** "(1)"

**Committee Vote:**

**Yes 12, No 0**

**Fiscal Note Required** \_\_\_\_

SB0442001SC.sdr

DR

7. Page 3, line 12 through line 13.  
**Strike:** subsection (2) in its entirety

- END -



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 468** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

**And, that such amendments read:**

1. Title, line 5.

**Following:** "FOR"

**Insert:** "WRONGFUL DEATH,"

**Following:** "INJURY"

**Insert:** ", "

2. Page 1, line 12.

**Strike:** "is"

**Insert:** "may be"

3. Page 1, line 13.

**Following:** "for"

**Insert:** "wrongful death,"

**Following:** "injury"

**Insert:** ", "

4. Page 1, line 14 through line 15.

**Following:** "failure," on line 14

**Strike:** remainder of line 14 through line 15 in their entirety

- END -

**Committee Vote:**

Yes 9, No 3

Fiscal Note Required \_\_\_\_

SB0468001SC.sdr

*DR*



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 447** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required \_\_\_\_

SB0447001SC.sdr

DR



## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 464** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required ☐

SB0464001SC.sdr

*DR*





## SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 476** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required ☐

SB0476001SC.sdr

*RL*



## SENATE STANDING COMMITTEE REPORT

February 23, 2009

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Joint Resolution 29** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Senator Gary L. Perry, Chair*

- END -

**Committee Vote:**

**Yes 10, No 2**

Fiscal Note Required \_\_\_\_

SJ0029001SC.sdr

*SR*

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB327 MOTION NO. 2  
 MOTION: \_\_\_\_\_

*amend (one sec)*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDY MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

7/5

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB327 MOTION NO 3  
 MOTION: \_\_\_\_\_

*Do Pass As Amended*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDY MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

*7/5*

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB333 MOTION NO. 1

MOTION: Nonsecurable action

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDY MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

7/5

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB333 MOTION NO. 2  
 MOTION: \_\_\_\_\_

*Dolore*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	/		
SENATOR JESSE LASLOVICH		/	
SENATOR AUBYN CURTISS	/		
SENATOR LARRY JENT		/	/
SENATOR TERRY MURPHY	/		
SENATOR LYNDA MOSS		/	
SENATOR JOHN ESP	/		
SENATOR CLIFF LARSEN		/	
SENATOR CAROL JUNEAU		/	
SENATOR GREG HINKLE	/		
SENATOR JIM SHOCKLEY, VICE CHAIR	/		
SENATOR GARY PERRY, CHAIRMAN	/		

7/5 ✓

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB374 MOTION NO. 2  
MOTION: \_\_\_\_\_

Amend ~~SB374~~ 374.02 AL

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDIA MOSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

11/11

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB374 MOTION NO. 4  
MOTION: Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

7/5



**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB79 MOTION NO. 1  
MOTION: \_\_\_\_\_

Dolan

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7/5

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB380 MOTION NO. 1  
 MOTION: Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u>
SENATOR DANIEL MCGEE	/		
SENATOR JESSE LASLOVICH		/	
SENATOR AUBYN CURTISS	/		
SENATOR LARRY JENT		/	/
SENATOR TERRY MURPHY	/		
SENATOR LYNDA MOSS		/	
SENATOR JOHN ESP		/	
SENATOR CLIFF LARSEN		/	
SENATOR CAROL JUNEAU		/	
SENATOR GREG HINKLE	/		
SENATOR JIM SHOCKLEY, VICE CHAIR	/		
SENATOR GARY PERRY, CHAIRMAN	/		

6/6

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB381 MOTION NO. 1  
MOTION Dotas

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDIA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO SB324 MOTION NO. 1  
 MOTION: \_\_\_\_\_

*Notary*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE		<input checked="" type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input checked="" type="checkbox"/>		
SENATOR AUBYN CURTISS		<input checked="" type="checkbox"/>	
SENATOR LARRY JENT	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY		<input checked="" type="checkbox"/>	
SENATOR LYNDA MOSS	<input checked="" type="checkbox"/>		
SENATOR JOHN ESP		<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input checked="" type="checkbox"/>		
SENATOR CAROL JUNEAU	<input checked="" type="checkbox"/>		
SENATOR GREG HINKLE		<input checked="" type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN		<input checked="" type="checkbox"/>	

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB382 MOTION NO. 2  
 MOTION: \_\_\_\_\_

CONCURRENCE 382.01

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	—		
SENATOR JESSE LASLOVICH	—		
SENATOR AUBYN CURTISS	—		
SENATOR LARRY JENT	—		—
SENATOR TERRY MURPHY	—		
SENATOR LYNDA MOSS		—	
SENATOR JOHN ESP	—		
SENATOR CLIFF LARSEN	—		
SENATOR CAROL JUNEAU	—		
SENATOR GREG HINKLE	—		
SENATOR JIM SHOCKLEY, VICE CHAIR	—		
SENATOR GARY PERRY, CHAIRMAN	—		

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB382 MOTION NO. 1  
MOTION: Do Pass Admex

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB406 MOTION NO. 1  
 MOTION: Rolls

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. 382 MOTION NO. 5  
MOTION: \_\_\_\_\_

*Dolan*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR JOHN ESP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. SB468 MOTION NO. 3  
 MOTION: \_\_\_\_\_

*Debra Asamer*

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	—		
SENATOR JESSE LASLOVICH	—		
SENATOR AUBYN CURTISS	—		
SENATOR LARRY JENT	—	—	—
SENATOR TERRY MURPHY	—		
SENATOR LYNDA MOSS		—	
SENATOR JOHN ESP	—		
SENATOR CLIFF LARSEN	—		
SENATOR CAROL JUNEAU		—	
SENATOR GREG HINKLE	—		
SENATOR JIM SHOCKLEY, VICE CHAIR	—		
SENATOR GARY PERRY, CHAIRMAN	—		

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**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 2/20/09 BILL NO. 527 MOTION NO. 1  
MOTION: \_\_\_\_\_

*Dolan*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DANIEL MCGEE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JESSE LASLOVICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR AUBYN CURTISS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LARRY JENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SENATOR TERRY MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR LYNDA MOSS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR JOHN ESP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CLIFF LARSEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR CAROL JUNEAU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
SENATOR GREG HINKLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR JIM SHOCKLEY, VICE CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SENATOR GARY PERRY, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee  
because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT 2/20/09 AYE NO

SB 327 amend		X
SB 327 <del>Do Pass</del>		X
SB 333 Reconsider		X
SB 333 Do Pass		X
SB 374 amend	X	
SB 374 <del>Do Pass</del>		X
SB 379 Do Pass		X
SB 380 Do Pass		X
SB 381 Do Pass		X
SB 321 Do Pass		X
SB 382 Do Pass		X
SB 406 Do Pass		X
SB 382 Reconsider	X	
SB 328 amend	X	

BILL/AMENDMENT AYE NO

SB 382 <del>Do Pass</del>		X
SB 428 Table	X	
SB 442 amend	X	
SB 442 amend	X	
SB 442 <del>Do Pass</del>	X	
SB 447 Do Pass	X	
SB 464 Do Pass	X	
SB 468 amend	X	
SB 468 <del>Do Pass</del>		X
SB 476 Do Pass	X	
ST 27 Do Pass		X
ST 29 Do Pass	X	

Sen. \_\_\_\_\_

[Signature]  
(Signature)

Date \_\_\_\_\_

# AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Judiciary Committee  
because of other commitments I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

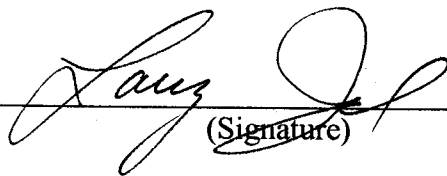
2/20/09

SB 327 amend		✓
SB 327 Do Pass		✓
SB 333 Reconsil	✓	✓
SB 333 Do Pass	✓	✓
SB 374 amend	✓	✓
SB 374 Do Amend	✓	✓
SB 379 Do Pass	✓	✓
SB 380 Do Pass	✓	✓
SB 381 Do Pass	✓	✓
SB 321 Do Pass	✓	✓
SB 382 Do Pass	✓	✓
SB 406 Do Pass	✓	✓
SB 382 Amend	✓	✓

SB 03201.adn

SB 382 as Amended do pass		✓
SB 428 Do Pass		
TABLE		
SB 442 Amend		✓
SB 442 Amend		✓
SB 442 as Amend	✓	
SB 447 Do Pass	✓	
SB 464 Do Pass	✓	
SB 468 Amend SB 046803.agp	✓	
SB 468 Do Pass	✓	
SB 468 Do Pass as Amend		✓
SB 476 Do Pass	✓	
SJ 27 Do Pass		✓
SJ 29 Do Pass	✓	

sen.

  
(Signature)

Date 2/20/09